IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4322 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JESANI RAMESHBHAI SHIVABHAI

Versus

STATE OF GUJARAT

Appearance:

MR YATIN SONI for Petitioners

MR M.A. BUKHARI, AGP FOR THE RESPONDENTS

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 23/03/2000

ORAL JUDGEMENT

Rule. Mr. M.A. Bukhari, learned AGP appears and waives service of Rule on behalf of the respondents. With the consent of parties, the matter is taken up for final

hearing today.

This petition is filed by the petitioners praying for regularisation of their possession by the respondent authorities and not to dispossess them except in accordance with law.

The case of the petitioners was that they are in legal and lawful possession of the land in question since many years. It was also stated that a criminal case was filed against them wherein they were acquitted by a competent criminal court.

I have heard the parties.

It was contended on behalf of the petitioners that the petitioners came to be acquitted by a competent criminal court and an order of regularisation of their possession is required to be passed in their favour. It was also submitted that they cannot be evicted by the authorities without following principles of natural justice.

Mr. Bukhari, learned AGP, on the other hand, submitted that nothing has been placed on record by the petitioners as to how they can be said to be in lawful possession of the land in question. No order of regularisation, therefore, can be passed in their favour.

In the facts and circumstances, in my opinion, no direction can be issued to the respondents regarding regularisation of possession of the petitioners. No material whatsoever has been placed on record showing legal and lawful possession of the petitioners. In the facts and circumstances of the case, it is directed that the petitioners shall not be evicted from the land in question, except in accordance with law.

Rule is accordingly made absolute to the above extent. No order as to costs.

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parekh